

KAREN L. LOEFFLER
United States Attorney
GARY GUARINO
Assistant United States Attorney
322 West 7th Avenue, Room 253
Anchorage, Alaska 99513
Telephone: (907) 271-5071
gary.guarino@usdoj.gov

BRUCE L. BROWN
Associate Regional Solicitor
DONNA F. BOND
Trial Attorney
Office of the Solicitor
UNITED STATES DEPARTMENT OF LABOR
1111 3rd Avenue, Suite 945
Seattle, WA 98101
Telephone: (206) 553-0940
Facsimile: (206) 553-2768
bond.donna@dol.gov

Attorneys for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

HILDA L. SOLIS, SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF
LABOR,

Plaintiff,
v.

ASRC ENERGY SERVICES, INC.

Defendant.

CIVIL ACTION

CASE NO.

COMPLAINT – Labor
(29 U.S.C. §2601, *et seq.*)

I. Plaintiff brings this action for injunctive and other relief, for violations of the Family Medical Leave Act of 1991, as amended (29 U.S.C. §2601 *et seq.*), (“the Act”) seeking to enforce the provisions of §102, §104 and §105 of the Act and the Regulations published at 29 C.F.R. Part 825.

II. Jurisdiction of this action is conferred upon the Court by 29 U.S.C.

§2617(b)(2) and (d), namely §107(b)(2) and (d) of the Act.

III. Defendant ASRC Energy Services, Inc. is an Alaska corporation that provides permitting, maintenance, construction, engineering and fabrication services to the energy industry from its corporate headquarters at 3900 C Street, Suite 701 Anchorage AK 99503.

IV. Defendant is now, and was at all relevant times, a covered employer as defined by 29 U.S.C. §2615(a)(1).

V. Rick Quintana was, prior to approximately April 8, 2010, and at all times material herein, an eligible employee who was employed by the above-named Defendant covered employer as both terms are defined by 29 U.S.C. §§2611(2)(A); 2615(a)(1).

VI. During the course of his employment by the Defendant, Rick Quintana suffered a serious health condition which made him unable to perform the functions of his position as defined by 29 U.S.C. §2612(a)(1)(D).

VII. Rick Quintana provided Defendant proper notice of his need for leave because of his serious health conditions as required by relevant regulations.

VIII. Rick Quintana provided Defendant with sufficient certification issued by his health care provider when it was requested by the Defendant as required by 29 U.S.C. §2613(a)-(b).

IX. Defendant properly designated Mr. Quintana's leave as FMLA-qualifying.

X. Defendant violated the provisions of sections 102, 104 and 105 of the Act (29 U.S.C §§2612, 2615) and did interfere with Mr. Quintana's entitlement to leave under the Act by failing to restore him to the position of employment he held prior to the commencement of his leave when it terminated him on or about April 8, 2010.

WHEREFORE, cause having been shown, Plaintiff prays for a Judgment against Defendants as follows:

(1) For an Order permanently enjoining Defendants, their officers, agents, servants, employees and all persons acting or claiming to act in their behalf and interest from violating the provisions of §104 and §105 of the Act (29 U.S.C. §2115) including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees; and to award such other equitable relief as may be appropriate, including reinstatement and promotion; and

- (2) For all appropriate relief,
- (a) payment to Rick Quintana for lost wages and benefits including interest thereon, liquidated damages and
 - (b) reinstatement of Rick Quintana to his previous position or its equivalent with Defendant; and
- (3) For an Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted this 30th day of December, 2011.

M. Patricia Smith
Solicitor of Labor

Lawrence Brewster
Regional Solicitor

Bruce L. Brown
Associate Regional Solicitor

Donna F. Bond
Trial Attorney

s/ Donna F. Bond
Donna F. Bond
WSBA 36177
U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
1111 Third Ave., Suite 945
Seattle, WA 98101
Telephone: (206) 553-0940
Facsimile: (206) 553-2768
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Attorneys for Plaintiff